

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

GERALD R. CARR,)	
)	
Claimant,)	IC 01-019111
)	
v.)	
)	
M.R. PRIEST, INC., dba ADVANCED)	ORDER
SIGN & DESIGN AND TRAFFIC)	
PRODUCTS & SERVICE,)	Filed
)	January 31, 2006
Employer,)	
)	
and)	
)	
FREMONT INDEMNITY COMPANY,)	
)	
Surety,)	
)	
and)	
)	
IDAHO INSURANCE GUARANTY)	
ASSOCIATION,)	
)	
Party in Interest,)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Alan Taylor submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant has proven that Defendants unreasonably denied his claim for total permanent disability benefits.

2. Claimant is entitled to attorney's fees from Defendants pursuant to Idaho Code § 72-804. Unless the parties can agree on an amount for reasonable attorney fees, Claimant's counsel shall, within twenty-one (21) days of the entry of the Commission's decision, file with the Commission a memorandum setting forth the amount and basis for attorney fees requested in this case on either a contingent fee or hourly basis. Counsel shall also provide a copy of the fee agreement executed by Claimant and his attorney, and an affidavit in support of the claim for fees. The memorandum shall be submitted for the purpose of assisting the Commission in discharging its responsibility to determine reasonable attorney fees in this matter. Within fourteen (14) days of the filing of such documentation, Defendants may file a response to Claimant's information. If Defendants object to any representation made by Claimant's counsel, the objection must be set forth with particularity. Within seven (7) days after Defendants' counsel files the above-referenced response, Claimant's counsel may file a reply. The Commission, upon receipt of the foregoing pleadings, will review the matter and issue an order determining attorney fees.

Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 31st day of January, 2006.

INDUSTRIAL COMMISSION

/s/
Thomas E. Limbaugh, Chairman

/s/
James F. Kile, Commissioner

/s/
R. D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2006, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

R DANIEL BOWEN
PO BOX 1007
BOISE ID 83701-1007

GLENNA M CHRISTENSEN
PO BOX 829
BOISE ID 83701-0829

kk

/s/